

Message Text

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ACTION ARA-14

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C O N F I D E N T I A L SANTIAGO 3365

E.O. 11652: N/A

TAGS: PINT, SHUM, CI

SUBJ: THE PDC OFFERS SOME SUGGESTIONS FOR RESTORING DEMOCRACY

REF: SANTIAGO 1885

1. SUMMARY. THE PDC'S LATEST TRACT, ISSUED APRIL 28. REHASHES THE PARTY LINE CONCERNING THE SORRY STATE OF CHILE'S INTERNAL AND EXTERNAL AFFAIRS, BUT GIVES THE PINOCHET REGIME SOME CREDIT FOR RECENT LIBERALIZING MEASURES AND CONTINUES TO TALK OF THE NEED FOR A CIVILIAN-MILITARY TRANSITION PERIOD. IT THEN GOES ON TO OFFER A NINE-POINT PROGRAM FOR WHAT HAS TO BE DONE IF THE GOC IS REALLY SERIOUS ABOUT RESTORING DEMOCRACY. END SUMMARY.

2. POINT ONE CALLS FOR CLEARLY FIXING THE LENGTH OF THE TRANSITION PERIOD. IT WILL BE RECALLED THAT PINOCHET AVOIDED THIS ISSUE IN HIS APRIL 5 SPEECH. THE NEXT THREE POINTS DEAL WITH LABOR AND NEIGHBORHOOD ORGANIZATIONS, PRESS AND UNIVERSITY FREEDOMS. THE GOC SHOULD ABROGATE DECREE LAW 198 (LABOR RESTRAINTS) AND BANDO 107 (PRESS). IT SHOULD END GOVERNMENT INTERVENTION OF THE UNIVERSITIES AND RESTORE THEIR AUTONOMY. POINT FIVE CALLS FOR THE RAPID IMPLEMENTATION OF NEW ELECTORAL MECHANISMS TO ALLOW PEOPLE TO CHOOSE THEIR AUTHORITIES IN THE "HONORED CHILEAN MANNER". THIS
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WOULD INCLUDE, BUT NOT NECESSARILY BE LIMITED TO, NEW VOTING REQUIREMENTS, MEASURES TAKEN TO INSURE A FAIR VOTE AND DETERMINATION THAT THE COURTS WOULD RULE IN ALL VOTING DISPUTES. THIS ELECTORAL PROCESS WOULD BE EMPLOYED FOR THE ELECTION OF A "CONSTITUENT ASSEMBLY" (POINT NINE BELOW) AND THE APPROVAL OF THE NEW CONSTITUTION.

3. IN POINTS SIX AND SEVEN THE PDC URGES THE ABROGATION OF CONSTITUTIONAL ACTS 2 AND 4, PROMULGATED BY THE JUNTA IN SEPTEMBER 1976. THE PDC OBJECTS TO CONSTITUTIONAL ACT 4 AS AN UNNECESSARY EXTENSION OF THE GOVERNMENT'S EMERGENCY AND INTERNAL SECURITY POWERS. WITH RESPECT TO CONSTITUTIONAL ACT 2, CREATING THE "ESSENTIAL BASES OF CHILEAN INSTITUTIONALITY", THE PDC TAKES A DIM VIEW OF THE CONCEPT OF PROTECTED AUTHORITARIAN DEMOCRACY AND WOULD MUCH PREFER TO GO BACK TO THE LIBERAL PHILOSOPHICAL UNDERPINNINGS OF THE 1925 CONSTITUTION. POINT EIGHT CALLS FOR EXPLICIT RECOGNITION THAT THE COURTS' ACTIONS REGARDING WRITS OF HABEAS CORPUS AND OTHER ISSUES INVOLVING VIOLATIONS OF BASIC INDIVIDUAL CONSTITUTIONAL GUARANTEES SHOULD BE FULLY RESPECTED. POINT NINE IS THE CREATION OF A CONSTITUTIONAL COMMITTEE, AS POLITICALLY REPRESENTATIVE OF ALL POINTS OF VIEW AS POSSIBLE, TO DEBATE AND DRAW UP A NEW DRAFT CONSTITUTION -- WITHIN AN ESTABLISHED TIME FRAME -- REFLECTIVE OF THE BASIC HUMAN RIGHTS CONCERNS OUTLINED IN THE UNITED NATIONS CHARTER. THE DRAFT CONSTITUTION WOULD THEN BE SUBMITTED TO AN ELECTED CONSTITUENT ASSEMBLY (POINT 5) AND THE FINAL TEXT OR ALTERNATIVE TEXTS PUT TO THE VOTERS FOR RATIFICATION.

4. COMMENT: ACCEPTANCE IN TOTO OF THE PDC'S SHOPPING LIST OF SUGGESTIONS WOULD PRETTY MUCH END THE PLANS OF THIS REGIME AND ITS SUPPORTERS FOR A NEW KIND OF CHILEAN CONFIDENTIAL

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DEMOCRACY. FOR THE PRESENT AT LEAST MANY PDCERS WILL SETTLE FOR LESS. THE GOVERNMENT MAY HAVE SOME GIVE ON ISSUES SUCH AS PRESS FREEDOM AND LOOSENING OF THE REINS ON NEIGHBORHOOD GROUPS. IT MAY EVEN BE PREPARED TO FORGET ABOUT THE "DEFENSE AGAINST SUBVERSION" EMERGENCY CONDITION WHICH WAS THE MAJOR INNOVATION OF CONSTITUTIONAL ACT 4, AND PRESUMABLY IT CAN NOW BE MORE RESPONSIVE TO COURT ORDERS IN THE FIELD OF BASIC HUMAN RIGHTS. THE OTHER PDC DEMANDS ARE LESS PALATABLE FOR THE GOC.

5. THE KEY ISSUE IS HOW MUCH INFLUENCE NON-GOC ENDORSED VIEWS WILL HAVE ON THE FORMULATION OF THE NEW CONSTITUTION, THE DRAFT OF WHICH IS TO APPEAR LATER THIS MONTH. THE DOCUMENT AND THE REGIME ITSELF WOULD GAIN BY EXPANDING PARTICIPATION, BUT A CONSTITUENT ASSEMBLY OF THE KIND ENVISAGED BY THE PDC IS NOT NOW IN THE CARDS.

6. THE PDC'S REFERENCE TO POSSIBLY SUBMITTING CONSTITUTIONAL ALTERNATIVES TO THE PROMISED PLEBISCITE (IN POINT NINE) RECALLES THE 1925 PRECEDENT. VOTERS HAD THREE CHOICES: NO CHANGE; MODIFICATION OF THE PARLIAMENTARY SYSTEM IN EFFECT SINCE 1891; OR A NEW CONSTITUTION RE-ESTABLISHING

A STRONG EXECUTIVE. THE LATTER WON, ALTHOUGH MORE THAN
HALF OF ELIGIBLE VOTERS (AND TWO MAJOR PARTIES) STAYED
AWAY FROM THE POLLS. IN A RECENT CONVERSATION ONE OF
THE MEMBERS OF THE CONSTITUTIONAL COMMISSION TOLD US
THAT PRESENT PLANS FOR 1979 ARE SIMPLY A YES/NO CHOICE:
THE NEW INSTITUTIONALITY OR A RETURN TO HOW IT WAS PRIOR
TO SEPTEMBER 11, 1973. THAT KIND OF NARROW AND EMOTIONALLY
LOADED CHOICE WOULD ERODE THE LEGITIMACY OF THE NEW
CONSTITUTION FROM THE START IN THE EYES OF PDCERS AND OTHERS WHO
WANT TO RETURN TO THE STATUS QUO ANTE.
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